

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:)
ATHEAL PIERCE,)
DEBTOR.)
CHAPTER 13
CASE NO. 05-31205

**MOTION TO DISMISS REQUESTING 180-DAY
BAR AGAINST REFILING**

COMES NOW American General Finance, by and through its attorney of record, Parnell & Crum, and files this motion requesting that the above referenced matter be dismissed with a 180-day bar against the Debtor refiling. In support thereof, American General Finance would show this court as follows:

1. The Debtor filed the instant Chapter 13 pro se on April 26, 2005. American General Finance believes that the Debtor filed this case to stop its foreclosure sale which was set for April 27, 2005.

2. The case is presently scheduled for confirmation on September 19, 2005. However, the Debtor has failed to present a confirmable plan.

3. The case has been continued on numerous occasions. By failing to propose a feasible plan, the Debtor has continually caused unreasonable delays and has prohibited his creditors from repossessing their collateral.

4. Even though the plan filed by the Debtor is not feasible, it called for the Debtor to make payments to the Trustee of \$500.00 per month. The Debtor has only made one (1) \$500.00 payment and that was on July 13, 2005.

WHEREFORE, THE PREMISES CONSIDERED, American General Finance respectfully requests that the above referenced case be dismissed by the court and that a 180-day bar be issued against the Debtor refiling another case. The Debtor's actions have caused unreasonable delays and the Debtor, by his actions, has abused the protection offered by this court.

Respectfully submitted,

PARNELL & CRUM, P.A.

/s/ Britt B. Griggs
By: BRITT BATSON GRIGGS
Attorney for American General Finance

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically mailed or placed in the U.S. mail, postage prepaid, an exact copy of the above motion to the following parties, this the 8th day of September, 2005.

Atheal Pierce
Debtor
112 Knollwood Blvd.
Montgomery, Alabama 36117

Hon. Curtis C. Reding
Trustee
Post Office Box 173
Montgomery, Alabama 36101-0173

Hon. Teresa Jacobs
Bankruptcy Court Adm.
1 Church Street, 5th Floor
Montgomery, Alabama 36104

/s/ Britt B. Griggs
BRITT BATSON GRIGGS